ARTICLE APPEARED
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LOS ANGELES TIMES
31 January 1985

Congress' Role in Foreign Policy: the Debate Grows

By SARA FRITZ, *Times Staff Writer*

WASHINGTON—"In the last 10 years," a frustrated President Reagan complained, "the Congress has imposed 150 restrictions on the President's power in international diplomacy. I think the Constitution made it pretty plain way back in the beginning as to how diplomacy was to be conducted.

"I just don't think a committee of 535 individuals, no matter how well-intentioned, can offer what is needed. . . .," he said in a press conference last year.

Analysis

Reagan's comment reflect concerns shared by many specialists outside the government, and even by some members of Congress—the increasing tendency of Congress to involve itself in the details of foreign policy and the question of what the proper roles of the President and Congress should be in this area.

These concerns will be addressed in Senate Foreign Relations Committee hearings that begin today. The goal, according to the committee's new chairman, Sen. Richard G. Lugar (R-Ind.), is achieving "some sort of Congress-Administration relationship on a bipartisan basis that allows an Administration to be the foreign policy initiator."

"My concern," said former Deputy Secretary of State Warren M. Christopher, who grappled with the problem while serving President Jimmy Carter, "is that a great nation simply may not be able to operate in the way we have and still advance its interests successfully in a complex, disorderly, dangerous world."

Good Track Record

Says a top White House official: "Those who are responsible for the conduct of foreign policy feel that members of Congress are exceeding their prerogatives. The secretary of state is frustrated by the tremendous demands on his time and the second-guessing by Congress."

The arm wrestling over foreign policy is by no means confined to partisan lines. President Carter was often at loggerheads with congressional Democrats, and Reagan has had almost as much trouble with conservative Republicans as with liberal Democrats.

Indeed, aides to a group of conservative Republican senators meet regularly to select their own candidates for top State Department jobs, and "their track record is good," one knowledgeable source said. "They have become a significant factor."

Now, despite pledges of cooperation on both sides, the new Congress and the incumbent President are headed for early confrontations over key foreign policy issues. Production of the MX missile, testing of anti-satellite weapons and aid for anti-government rebels in Nicaragua are being threatened by possible congressional veto as early as March. In addition, some members of Congress are demanding a role for themselves in the coming arms control talks with the Soviet Union.

Many politicians and scholars currently are searching for ways to end the feuding between Congress and the President. Christopher recently proposed that Congress and the executive branch negotiate a compact, specifying the role of each in making foreign policy.

Realistically, neither side holds out much hope of devising a way to eliminate friction when the President pursues a diplomatic strategy without the sanction of Congress. As Sen. Charles McC. Mathias Jr. (R-Md.) wrote in a soon-to-be published article, "Congress has repeatedly demonstrated that it will not easily relinquish the check reins which it has acquired."

At the heart of the dispute between Presidents and Congress is a gray area in the Constitution, which seems to confer overlapping duties on the two branches. The President is empowered to be commander in chief of the armed forces; Congress is empowered "to

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declare war, raise and support armies, provide and maintain a navy. . . ."

That element in the Constitution's system of checks and balances has caused recurrent problems in the nation's history. Woodrow Wilson's unsuccessful battle with congressional opponents over U.S. membership in the League of Nations inflicted a grievous wound on his presidency. And Franklin D. Roosevelt waged a long and crafty battle against isolationists in Congress on the eve of World War II.

Vietnam Remembered

The roots of the present tensions lie in the Vietnam War. Members of the House and Senate, unhappy with the relatively free hand that Presidents Lyndon B. Johnson and Richard M. Nixon exercised in Southeast Asia, began to assert themselves more insistently in foreign policy matters. And the mistrust born of Vietnam haunts deliberations on contemporary issues.

In 1973, Congress passed the War Powers Resolution, which requires the President to notify Congress when committing U.S. troops abroad and prohibits him from keeping them there for more than 60 days without congressional approval.

Congress also gave itself a veto over foreign arms sales and banned U.S. military aid to nations that do not meet certain standards of human rights.

"These devices were basically forced on presidents, so they don't have full legitimacy," said I. M. Destler, a leading scholar on the subject and senior fellow at the Institute for International Economics.

Even some supporters of the War Powers Resolution concede that it has not enabled Congress to control presidential actions abroad. "It only focuses attention on the problem," said former Sen. J. William Fulbright (D-Ark.), chairman of the Senate Foreign Relations Committee until 1974. "There is no way to enforce such an act."

Reagan has chafed under the War Powers limits, and the House Republican leadership two weeks ago unveiled a sweeping proposal that would effectively gut the resolution, though the act's supporters immediately vowed to block any such effort.

Increasingly, the President's congressional critics have used the power of the purse to augment curbs on executive branch actions. Congress this year may refuse to release $1 billion already reserved for the production of 21 MX missiles—an integral component of the Administration's bargaining strategy in arms control talks with the Soviet Union. It also may reject $14 million in aid requested by the Administration for guerrillas in Nicaragua.

To the Reagan Administration, the direct hobbles placed on particular policies are only part of the problem with what it sees as an overly intrusive Congress. There is also the sheer burden of responding to a plethora of congressional voices.

With the "democratization" of Congress in the 1970s, the House and Senate lost a good part of the internal discipline that once reined in most individual members, making it possible for a President to deal almost exclusively with a relatively small number of leaders.

Today, Administration officials complain, every member feels free to speak out on any aspect of the President's foreign policy, and committees dealing with foreign affairs and national defense have proliferated.

Top State Department officials estimate that they spend as much as 25% of their time briefing the many committee chairmen in the House and Senate with foreign affairs jurisdiction. Moreover, a top White House aide lamented, "even when we take the time to brief all of the 75 members of the appropriate foreign affairs committees, we've still got all those other 'experts' in Congress who want to be informed."

Television encourages what Administration officials view as "free-lancing" by members of Congress in foreign policy. The major networks frequently invite members to assess diplomatic moves by the Reagan Administration.

Likewise, foreign governments have discovered that they can affect U.S. policy by lobbying Congress. It is not unusual for such foreign leaders as Nicaraguan President Daniel Ortega or El Salvadoran rightist Roberto D'Aubuisson to stroll through the halls of the Capitol.

"To a certain degree," said a White House official, "the international community has become more public relations-oriented."

In the field of intelligence, members of Congress complain that the Administration resists their review of intelligence activities, but Administration officials complain that members of the oversight committees do not always maintain the secrecy of sensitive information. Snapped a White House official: "It might help if they kept their mouth shut."

Arms Control Role

The Administration particularly objects to efforts by members of Congress to insert themselves into arms control talks with the Soviets.

"Arms control is the issue of the day, and so they want to get involved," noted an official who declined to be identified. "Certain members of Congress think that they should be sitting down at the negotiating table, and that's hogwash."

To head off unilateral congressional action, the Administration has organized a committee of members of Congress to observe the coming arms control talks in Geneva and even meet informally with the Soviet negotiators.

Strong as the Administration's expressions of concern are about what it sees as congressional intrusions, some on Capitol Hill feel that Reagan is overreacting.

"There's nothing that the President hasn't gotten," said a congressional aide.